

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HAROLD WEHRLE,

Plaintiff,

-against-

LAWRENCE SEARS, Acting Superintendent; NANCY M. SMITH, Nurse Administrator; RONALD I. GARY, Sheriff, Madison County Correctional Facility; RENZA SAMAD IMTIAZ, Medical Administrative, Madison County Correctional Facility; GLENN S. GOORD, JR., Commissioner, Department of Correctional Services; A. DASHNER, Gowanda Correctional Facility; B. PARKIN, Gowanda Correctional Facility; and the IGRC SUPERVISOR, Franklin Correctional Facility;

Defendants.

ORDER

03-CV-1262

LEK/DEP

Upon reading and filing the annexed affirmation of Senta B. Siuda, Assistant Attorney General, sworn to on June 1, 2005, and pursuant to Federal Rule of Civil Procedure 30(a), it is hereby:

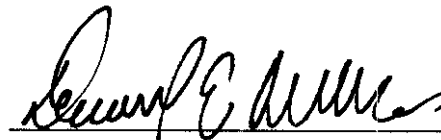
ORDERED that defendants be permitted to take the deposition of plaintiff at the Oneida County Jail on July 14, 2005 at 10:00 a.m.; and it is further

ORDERED that notice to the plaintiff be deemed due and adequate if notice of the deposition and a copy of this order are mailed to plaintiff's counsel at least 10 days prior to the scheduled day for his deposition; and it is further

ORDERED that plaintiff's disagreement with any directives of security staff at the correctional facility is not a ground on which the plaintiff may refuse to answer questions; and it is further

ORDERED, that the failure of plaintiff to attend, be sworn and answer appropriate questions may result in sanctions including dismissal of the action pursuant to Rule 37 of the Federal Rules of Civil Procedure. However, valid objections made in good faith to inappropriate questions are permissible.

Dated: Syracuse, New York
June 1, 2005

A handwritten signature in black ink, appearing to read "David E. Peebles", written over a horizontal line.

HON. DAVID E. PEEBLES
UNITED STATES MAGISTRATE JUDGE